

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WAYNE A. PORRETTI,

Plaintiff,

v.

JAMES DZURENDA, et al.,

Defendants.

Case No. 2:17-cv-01745-RFB-DJA

ORDER

The Court has reviewed Defendants' submission of Plaintiff's proposed treatment plan (ECF No. 270) in accordance with the Court's order mandating the Nevada Department of Corrections provide Plaintiff prescriptions for Wellbutrin and Seroquel (ECF No. 256). The Court finds this proposed treatment plan constitutes a clear violation of the Court's order. Defendants indicate the court-ordered relief will only be provided "should [Wellbutrin and Seroquel] be determined clinically indicated by" NDOC's provider, Sarah Hall. (ECF No. 270-2 at 3). The Court ordered specific treatment on the basis of several evidentiary hearings and a reasoned analysis of the facts at issue in light of the relevant caselaw. The Court did not afford Defendants the opportunity to "decide" whether to follow the Court's ordered treatment. Furthermore, Plaintiff has filed a motion (ECF No. 273) indicating he has yet to meet with Hall, despite Defendants' representations that a clinical interview would be completed by July 15, 2020.

The Court finds that the Defendants' conduct represents an unfortunate and continuous pattern in this case of failing to provide adequate medical treatment to Mr. Porretti.

In light of Defendants' blatant violation of the Court's order, the Court will order a hearing in this matter to evaluate Defendants' compliance with this Court's order. Defendants shall have until the date of the hearing to provide Plaintiff the treatment mandated by the Court's prior order.

1 If they fail to do so, the Court will impose sanctions. These sanctions may include monetary
2 sanctions and case-dispositive sanctions, as to all relevant defendants.

3 **IT IS THEREFORE ORDERED** that a hearing is scheduled in this matter for Friday,
4 August 7, 2020 at 10:00 AM by Zoom video conference. The Office of the Attorney General is
5 directed to facilitate the videoconference appearance of Plaintiff.

6 **IT IS FURTHER ORDERED** that two days before the hearing, Defendants shall produce
7 documentation indicating how many times Plaintiff has been seen by a medical provider since May
8 31, 2020, and by whom specifically.

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10 DATED: July 29, 2020.



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12 **RICHARD F. BOULWARE, II**
13 **UNITED STATES DISTRICT JUDGE**
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